

REMARKS/ARGUEMNTS

I. STATUS OF THE CLAIMS

Claims 1-10 and 12-24 are pending in the present Application. By the present amendment, Claims 1, 2, 9, 10, and 17 have been amended. No new matter is added.

Claims 1-10 and 12-24 are objected to because of minor informalities. Appropriate correction is required.

Claims 9-16 are rejected under 35 U.S.C. § 102(e) (hereinafter, “Section 102(e)”) as being allegedly anticipated by U.S. Pat. No. 6,990,660 to Moshir et al. (hereinafter “Moshir”).

Claims 1-8 are rejected under 35 U.S.C. § 103(a) (hereinafter, “Section 103(a)”) as being allegedly unpatentable over Moshir in view of Pace et al., U.S. Pub. No. 2003/0051236 A1 (hereinafter “Pace”).

Claims 17-24 are rejected under Section 103(a) as being allegedly unpatentable over Moshir in view of Pace and further in view of Hoff et al., U.S. Pat No. 5,978,373 (hereinafter “Hoff”).

Applicant respectfully traverses all rejections and requests reconsideration of the subject application as amended herein.

II. OBJECTIONS TO THE CLAIMS

The claims were objected to because of minor informalities regarding inconsistent claim language and antecedent basis corrections needed. Applicant thanks the Examiner for identifying where correction is needed throughout and respectfully submits the amendments to the claims which address all identified points of the objections. In particular,

- a) “software device management” was corrected to “device management software” in claim 9;

- b) In claim 9, reference to “communication network access device” has been made as “hereinafter referred to as ‘device’” to clarify the “device” in claim 9-16.
- c) Consistency between “communication network” and “network” has been corrected throughout the claims.
- d) The term “said network” has been corrected as required in claims, 1, 2, 9 and 10.
- e) The “network” in claim 17 has been clarified as a “communication network”. It is noted that the “source network” is not limited to a wireless network either but as claimed, a wireless connection is made between the source network and a mobile user.

Accordingly, as all corrections are believed to have been made to the claims, Applicant respectfully requests withdrawal of the objection to the claims.

III. REJECTIONS UNDER 102(e), MOSHIR

Applicant respectfully submits that independent claim 9 and its dependent claims 10-16 are novel, as they are not anticipated by Moshir.

Amended claim 9 recites in part “periodically checking availability of a second device management software by *said device requesting and receiving a version code of said second device management software through said communication network* and comparing a version of said second device management software against a version of said first device management software...” In contrast, Moshir fails to teach each and every element of claim 9. Moshir discloses a system in which there are “update lists” for patches, prepared by the administrator for particular target computers that need to be loaded and are listed on an “update server 229”. The target computer checks its own “update list” to see if the package should be installed. (col. 4, lines 30-48). However, claim 9 particularly claims the method step of “said device requesting

and receiving a version code of said second device management software through said communication network and comparing the version of said second device management software against a version of said first device management software". The preparing of an "update list" for a particular target computer does not teach the claimed method of the device actually "requesting and receiving a version code" and further "comparing the version". Essentially, Moshir discloses that based on a prepared list that states a new package should be installed, the target computer should therein download the update that is not currently there. There is no teaching of the "device requesting and receiving a version code", and comparing the version as claimed.

Further, Moshir col. 13, lines 58-67 are referred to for showing that the device compares versions of the software. However, it is not apparent how this is shown in the cited section as it is the "fingerprint library" that is "updated with new patch fingerprints at specific time intervals". Such "fingerprint library" is on the update server and not a component of the target computer. Neither is it shown how the device (target computer) is comparing a version of the second ...software against a version of the first...software.

Moreover, Moshir, col. 16, lines 27-49 is referred to for showing the step of "for the version of said second device management software that is a different version from said first device management software, automatically loading the second device management software in said memory, immediately following said checking,..." However, in review of the cited section, it is not apparent that such method is shown where it is disclosed that "[w]hen a new patch fingerprint is located, it is downloaded into the repository component...[t]hen an update list is created which may identify all of the target computers that need the patch...". The repository component is shown as being located in the update server, separate from the target computer. Accordingly, it is not shown where there is "automatically loading the second device

management software in the memory, immediately following said checking" of the device when Moshir teaches loading to the "repository component" and thereafter, other operations in order to come up with an "update list".

Therefore, for at least these reasons, Moshir does not teach the method of maintaining software as recited in Applicant's claim 9. As such, Moshir fails to teach or suggest each and every limitation of amended claim 9 to anticipate the claim. Accordingly, amended claim 9 is believed to be allowable over Moshir and Applicant respectfully requests withdrawal of the rejection of claim 9 under Section 102(e).

DEPENDENT CLAIMS 10-16

Claim 10-16 depend directly or indirectly on independent claim 9 and thereby include all the limitations of amended claim 9, along with additional limitations. In particular, claim 10 recites in part "said server in communication with said device through said communication network, and said server providing said version code of the stored second device management software to said device in response to receiving the request for said version code from said device." However, Moshir does not anywhere discuss the recited method of a server providing a version code to the access device through the communication network *in response to receiving a request from the device for the version code* of the software stored that is stored in the server, and comparing the versions. As mentioned, Moshir teaches the target computer checks its own "update list" to see if the package should be installed. There is no request by a device taught or that a version code is received by the device in response to the request. As not all the method steps are taught by Moshir, claim 10 is not anticipated by Moshir.

Accordingly, for these additional reasons, there is no teaching or suggestion in Moshir of the required limitations in claims 10-13. Claims 10-16 are believed to be allowable for at least

the same reasons as amended claim 9. Applicant respectfully requests withdrawal of the rejections of claims 10-16 under Section 102(e).

IV. REJECTIONS UNDER 103(a), MOSHIR IN VIEW OF PACE

Applicant respectfully submits that amended claim 1 and its dependent claims 2-8 are novel and patentable over Moshir in view of Pace. The cited references in combination do not teach each and every element of these claims as required for a *prima facie* case of obviousness.

Amended claim 1 recites in part, “(ii) software loading apparatus for automatically loading second software through said communications network for replacing said first software, *said device configured to request and receive a version code of said second software through said communications network* and directly begins loading upon checking that said first software requires replacement due to a comparison determining the first software contains code that is different from the second software, without manual maintenance by a user such that the access point device is self-maintaining.”

The arguments above with respect to claim 9, apply here to claim 1, in that Moshir fails to teach each and every claimed limitation of amended claim 1. Moreover, the Action on page 6, states that the claimed access point device is now shown as the “update server 220” and that the claimed mobile computer is now the “target computer 202 and 208”. If that is the case, Applicant respectfully contends then, that the claimed software maintenance of the “access point device” is not in any manner taught or suggested by Moshir since it does not make sense that the software of the “update server 220” is being updated and self-maintaining.

Applicant has reviewed the cited sections of the Action regarding Moshir, and there is no teaching or suggestion of ALL the limitations of amended claim 1 to find a *prima facie* of obviousness. Neither does Pace provide for the deficiencies of Moshir. Accordingly, for the

reasons stated above, amended claim 1 is believed to be allowable over Moshir in view of Pace. Applicant respectfully requests withdrawal of the rejection of claim 1 under Section 103(a).

DEPENDENT CLAIMS 2-8

Claims 2-8 depend directly or indirectly on independent claim 1 and thereby include all the limitations of amended claim 1, along with additional limitations. Accordingly, claims 2-8 are believed to be allowable for at least the same reasons as amended claim 1 and also for the limitations these claims recite, as Moshir in combination with Pace fail to provide for these limitations. Accordingly, for at least these reasons, claims 2-8 are believed patentable and Applicant respectfully requests withdrawal of the rejections of claims 2-8 under Section 103(a).

V. REJECTIONS UNDER SECTION 103(a), MOSHIR, PACE AND HOFF

Applicant respectfully submits that the amended independent claim 17 and its dependent claims 18-24 are novel and patentable. The cited references in combination do not teach each and every element of these claims as required for a *prima facie* case of obviousness.

Claim 17 recites in part, (b) user authorization server apparatus for authorizing a mobile user to access the communication network through said access point device and said source network in which the mobile user is authorized through one or more embedded IDs generated by *said source network* into an embedded reserved field of a file..."

Moshir, Pace and Hoff fail to teach of "the mobile user is authorized through one or more *embedded* IDs generated by *said source network* into an *embedded reserved field* of a file". As reiterated again, contrary to Examiner's assertion that Hoff teaches this element, in reviewing the cited reference, Hoff actually does not teach of any "embedded IDs" let alone of "embedded reserved field" since Hoff merely teaches what is known as a "registration template" of "fill-in-

the blanks online registration template" (col. 7 lines 17-19). These subscriber filled fields are in no manner an "**embedded** reserved field" as claimed in claim 17. Nothing is embedded regarding this fill in the blanks fields in which the subscriber fills in the template fields. These fields in Hoff are akin to a user filling in their ID and password on a webpage. Neither is there the "embedded ID generated **by said source network**" taught in Hoff. A subscriber entering their ID into a form field does not correlate to "the source network" generating anything into an embedded reserved field of a file. There is nowhere in Hoff taught or suggested of "embedded reserved field" nor of "embedded IDs generated by said source network" by a subscriber filled template.

Applicant therefore, respectfully requests Examiner to address these distinctions as previously identified and which are believed to show that Hoff fails to provide for the required limitation. Applicant has reviewed the cited sections of the Action, and there is no teaching or suggestion of ALL the limitations of amended claim 17 to find a *prima facie* of obviousness. Accordingly, for the reasons stated above, amended claim 17 is believed to be allowable over Moshir in view of Pace and further in view of Hoff. Applicant respectfully requests withdrawal of the rejection of claim 17 under Section 103(a).

DEPENDENT CLAIMS 18-24

Claims 18-24 depend directly or indirectly on independent claim 17 and thereby include all the limitations of amended claim 17, along with additional limitations. Accordingly, Claims 18-24 are believed to be allowable for at least the same reasons as amended claim 17. Applicant respectfully requests withdrawal of the rejections of claims 18-24 under Section 103(a).

Conditional Request For Constructive Assistance

Applicant has made a diligent effort to amend the claims of this application so that they define novel and unobvious structure. If, for any reason, the Examiner believes that the claims of this application are not yet in full condition for allowance, applicant respectfully requests his constructive assistance and suggestions pursuant to the spirit of MPEP §2173.02 and §707.07(j). This will enable the undersigned to place this application in fully allowable condition as soon as possible and without the need for further proceedings. The Examiner is authorized to make any needed minor corrections or changes.

CONCLUSION

The above-discussed remarks are believed to place the present Application in condition for allowance. Should the Examiner have any questions regarding the above amendments, the Examiner is requested to telephone Applicant's representative at the number listed below.

Respectfully submitted,

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